

SERVING ON COUNTY BOARDS, DISTRICTS, COMMISSIONS AND COMMITTEES IN MONTANA

A Handbook for Members, Local Government Officials
and Citizens



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1. INTRODUCTION

There are many boards, districts, commissions and committees in Montana, each with varying responsibilities and powers.¹ Some boards are made up of members appointed by the Governor or county commissioners, others are elected by voters, while still others are made up *ex officio* by the county commissioners. Some boards can levy mills and issue bonds while others are purely advisory in nature with no decision making authority. Some boards are quasi-judicial and can exercise judgment and discretion by granting, denying or determining legal rights and privileges while others have no ability to adjudicate disputes. Some serve at the state level, some are termed “special districts” and considered distinct government units by the U.S. Census Bureau, while others are termed “subordinate agencies” and not counted as separate government entities even though referred to as “districts.” Some function only in municipalities, others at the county or state level and some are multi-jurisdictional. In short, there is little consistency and often misunderstanding regarding the authority, responsibility and jurisdiction of the myriad boards, districts, commissions and committees in Montana. While it is not possible to avoid all controversy, board members can minimize disagreement and ineffectiveness in procedure, process and outcome through familiarity with the Montana Code Annotated² and by being knowledgeable of techniques to improve interactions on a board or with the public.

Boards, districts, committees, or commissions are a common means of interaction between citizens and elected officials on a host of topics and issues. As a board member, you represent the interests of many citizens who may be affected by your actions or those of your fellow board members. Serving on a board carries responsibility; you need to know how much decision making authority your board has, how to recruit new members, the financial resources of your board, how to most effectively run your board meetings, and how Montana’s statutes such as the code of ethics, discrimination, wrongful discharge and open meetings law apply.

The information presented here attempts to describe and clarify many of the complex issues confronting boards in Montana. This document applies to those boards and membership thereof that are:

1. appointed and/or with oversight by county governments and,
2. open to membership outside county commissioners and,
3. authorized and described in the Montana Code Annotated (MCA).³

This document contains four sections. The first section contains a summary of the principal boards in Montana, explanation of the General Board Statutes and use of resolutions guiding boards. The second section presents information on how to serve on a board including short summaries of pertinent laws in Montana including open meetings, code of ethics, nepotism, discrimination, wrongful discharge, *ex parte* consultations, and board liability. Section three offers guidelines for conducting board meetings

¹ All boards, districts, commissions and committees are referred to simply as ‘boards’ throughout this document. A board, district, committee, or commissions can all be interpreted to be an “agency” defined in [MCA 2-3-102\(1\)](#), as “any board, bureau, commission, department, authority, or officer of the state or local government authorized by law to make rules, determine contested cases, or enter into contracts.” A “rule” means “any agency regulation, standard, or statement of general applicability that implements, interprets, or prescribes law or policy or describes the organization, procedures, or practice requirements of any agency” ([2-3-102\(3\)](#)).

² The entire text of the Montana Code Annotated in a searchable format is available on-line at: http://data.opi.state.mt.us/bills/mca_toc/index.htm.

³ Boards created by individual counties or those operating solely at the state or municipal level are not described in this document.

with an emphasis on parliamentary procedure, Robert's Rules of Order and the use of motions. Last, section four describes each board in terms of creation, purpose, membership, authority, and funding with citations for the appropriate title, chapter and part of the MCA. For complete detailed information, users should carefully study the MCA or the specific resolution pertaining to the board.

Serving on or interacting with the myriad boards, districts, commissions and committees in Montana offers some of the best opportunities to practice and nurture the democratic ideals we all hold dear. Understanding how to more effectively serve on a board will allow board members, local government officials and citizens to better interact and cooperate and in so doing, sow the seeds of good governance.

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Overview of County Boards, Districts, Committees, or Commissions in Montana

In contrast to county or municipal forms of government (that are multi-purpose governing structures performing a wide range of direct service delivery and regulatory functions), most boards, districts, commissions and committees are single-purpose entities that perform a specific function or provide a particular service. Boards can also consolidate different government responsibilities to increase efficiency. In addition, two or more local governments may provide for joint boards to be established by interlocal agreements.

Boards can exist as either special districts with many of the same powers of local governments or subordinate agencies with more limited responsibility or authority.⁴ There are 1,127 distinct local governments in Montana.⁵ These entities include county, municipal, school district, and special district governments.⁶ There are 529 special districts in Montana.⁷ Special districts are counted as local governments by the U.S. Census Bureau since they possess three attributes:

1. Existence as an organized entity (possession of some corporate powers such as the right to sue and be sued),
2. Governmental character (requirements for public reporting or for accessibility of records to public inspection) and,
3. Substantial autonomy (considerable fiscal and administrative independence such as determining taxes to be levied and using debt without review by another local government).⁸

Some districts have autonomous governing boards, but their funding may depend on approval by the appropriate governing authority. Some districts are special taxing areas and may be governed by an appointed or elected board. If districts are not governed by an appointed or elected board, the county commissioners *ex officio* administer board duties. Boards can also exist within a county but have no oversight by the county commissioners (for example, Irrigation Districts, Conservancy Districts, Drainage Districts, and Conservation Districts).

Most boards, districts, committees, or commissions are considered subordinate agencies of the state or local governments and thus are not counted as separate governments. Boards can play an active and continuous role in supporting local governments or may only function intermittently when a pressing need arises. Many boards are not mandatory and therefore may be created at the discretion of the governing body. Table 1 presents information on the principal boards, districts, commissions and committees in Montana.

⁴ [MCA 2-2-102\(12\)](#) "Special district" means a unit of local government, authorized by law to perform a single function or a limited number of functions. The term includes but is not limited to conservation districts, water districts, weed management districts, irrigation districts, fire districts, community college districts, hospital districts, sewer districts, and transportation districts. The term also includes any district or other entity formed by interlocal agreement.

⁵ U.S. Census Bureau. 2002. Census of Governments GC02-1(P) issued July 2002:
<http://www2.census.gov/govs/cog/gc021mt.pdf>.

⁶ There are two consolidated city-county government structures that operate as one government; Anaconda-Deer Lodge and Butte-Silver Bow are classified under Montana law both as counties and as municipalities. However, Anaconda Deer Lodge and Butte-Silver Bow are each counted only once for census purposes as municipal governments rather than as county governments.

⁷ Ibid.

⁸ U.S. Census Bureau. 2002. Government Organization GC02(1)-1 issued December 2002:
<http://www.census.gov/prod/2003pubs/gc021x1.pdf>.

Table 1: Principal Boards, Districts, Committees, or Commissions in Montana.

Board	MCA (Title, Chapter, Part)	Board	MCA (Title, Chapter, Part)
Municipal Airport Authority	67-11-102	Sheep Protective Committee	81-6-101
Airport Appeals Board	67-7-302	Local Improvement Districts	7-14-2710
Business Improvement Districts	7-12-1111	Local Port Authority	7-14-1101
Cemetery Districts	7-35-2101	Local Water Quality District	7-13-4504
Community Councils	7-3-516	Metropolitan Sanitary and/or Storm Sewer Districts	7-13-101
County Airport Board	67-10-202	Mosquito Control Board	7-22-2411
County Building Commission	7-8-2103	Museums and Facilities for the Arts Boards	7-16-2203
County Canvassers	13-15-401	Open Space Commission	76-6-103
County Park District	7-16-2411	Park Commission	7-16-2301
County Tax Appeal Board	15-15-101	Planning Board	76-1-101
County Transportation Committee	20-10-131	Planning and Zoning Commission	76-2-101
County Water and/or Sewer Districts	7-13-2203	Railway Authority	7-14-16
Fair Commission	7-21-3401	Regional Airport Authority and Joint Airport Boards	67-11-103
Multi-County Fair Districts	7-21-3421	Regional Water and Wastewater Authorities	75-6-302
Fire Service Area	7-33-2401	Resort Area District	7-6-1532
Health Boards	50-2-104 50-2-105	Rodent Control District	7-22-2210
Health Care Facilities Commission	7-34-2202	Rural Fire Districts	7-33-2101
Hospital Districts	7-34-2101	Solid Waste Management District	7-13-203
Housing Authority	7-15-2102	Television District	7-13-2501
Joint Fair and Civic Center Commission	7-21-3451	Urban Transportation District	7-14-201
Land Advisory Board	7-8-2703	Weed District	7-22-2102
Library Board	22-1-308	Zoning Commission	76-2-220
Livestock Protective Committee	81-6-101	Zoning Board of Adjustment	76-2-221
Cattle Protective District	81-6-201		

General Board Statutes

Boards are guided by the General Board Statutes ([7-1-201](#)) as well as the myriad laws within the Montana Code Annotated (MCA) describing specific boards. The General Board Statutes describe details of the purpose, authority and membership of boards ([7-1-201](#)). Boards are created when county commissioners adopt a resolution establishing the board. Members can be appointed, elected or, if the minimum number of qualified persons is not available for membership, the county commissioners may, by resolution at a public meeting, serve as board members ([7-1-203](#)). However, county commissioners may not receive additional compensation.

Most boards with elections hold them according to Montana's General Election Laws ([13-1-101](#)). Unless specifically outlined in the statute describing the board the following rules apply: terms of all members (except elected members) may not exceed 4 years; a board must consist of a minimum of 3 members and must have an odd number of members and; a member must be a resident of the county to be eligible for appointment to a board (county commissioners may prescribe by resolution additional qualifications for membership). Board members, regardless of any salary or financial compensation, are still considered to be 'public officials' and thus subject to Montana's Code of Ethics ([2-2-104](#)) and Open Meetings Law ([2-3-101](#)).

Boards can be advisory or administrative in nature. Boards exercise administrative powers as granted by resolution created by county commissioners. The resolution creating the board must grant the board the powers necessary and proper to the establishment, operation, improvement, maintenance, and administration of the board. The powers can be quasi-judicial to exercise judgment and discretion by granting, denying or determining legal rights and privileges. No boards may pledge the credit of the county or impose a tax unless specifically authorized by state law ([7-1-201](#)). Administrative boards may not sue or be sued independently of the local government unless authorized by state law.

Resolutions Guiding Boards

Resolutions creating boards explicitly define the role and scope of the board. According to the General Board Statutes, the resolution creating the board must specify,

1. the number of board members,
2. the terms of the members,
3. whether members are entitled to mileage, per diem, expenses, and salary, and,
4. any special qualifications for membership in addition to those established by law ([7-1-201](#)).

The General Board Statutes also specify that a majority of members constitutes a quorum for the purposes of conducting business and exercising powers and responsibilities. Action may be taken by a majority vote of members present and voting, unless the resolution creating the board specifies otherwise. The resolution creating a board may provide for voting or nonvoting *ex officio* members. The resolution must also contain, if applicable, budgeting and accounting requirements for which the board is accountable.

The resolution creating the board should be required reading for all new members, and needs to be reviewed, updated and revised as conditions warrant. The best boards assign a member as a watchdog to make sure these requirements are met.

2. WHAT TO KNOW TO SERVE ON A BOARD

Serving on a board requires competence of both procedure and process in order to meet the letter of the law and instill a sense of trust and credibility. The section below describes several of the more significant aspects of serving on a board including Montana's open meetings law, code of ethics, nepotism, discrimination, *ex parte* consultation, liability and parliamentary procedure.

Open Meetings Law

Montana's "sunshine laws" are described as among the most stringent in the nation.⁹ These laws are outlined in Article II Sections 8 (Right of participation) and Section 9 (Right to know) of the state's constitution.¹⁰ In [Title 2, Chapter 3](#), Public Participation in Governmental Operations, the Montana Code Annotated describes provisions of the required "Notice and Opportunity to be Heard" in [Part 1](#), and "Open Meetings" in [Part 2](#). The Open Meetings law affords "reasonable opportunity to participate in the operation of governmental agencies prior to the final decision of the agency" ([2-3-201](#)).

There are four essential elements in the open meetings law:

1. If a quorum, defined as the number members legally required to conduct business, is convened by either physical presence or by means of electronic equipment ([2-3-202](#)) and,
2. Members will hear, discuss or act upon issues that it has jurisdiction over, ([2-3-202](#)), then,
3. The meeting must be open to the public and the press must be permitted to record the meeting ([2-3-211](#)) and,
4. Appropriate minutes of all meetings shall be kept and made available for the public ([2-3-212](#)).

Each board must adopt coordinated rules to facilitate public participation in decisions that are of significant interest to the public ([2-3-103](#)). These include a schedule of regular meeting times and agenda prepared and posted sufficiently in advance to provide notice of the topics to be discussed and actions to be considered. The public must also be afforded a reasonable opportunity to offer information and opinions, either orally or written, before final decisions are made.

A matter of significant public interest is defined as one "involving any non-ministerial decision or action which has meaning to, or affects a portion of the community."¹¹ Discrepancies as to whether a meeting is a significant public interest should always err on the side of transparency and opportunities for public participation. Exceptions are detailed in [2-3-203](#) and include the following: whether the discussion relates to a matter of individual privacy and if the presiding officer determines that the demands of individual privacy clearly exceed the merits of public disclosure; litigation when an open

⁹ Weaver, K. L. 2005. *Governing Montana at the Grass Roots: Local Government Structure, Process and Politics*. (2nd ed.). Bozeman, MT: Local Government Center.

¹⁰ Article II, Section 8. Right of participation. The public has the right to expect governmental agencies to afford such reasonable opportunity for citizen participation in the operation of the agencies prior to the final decision as may be provided by law (<http://data.opi.mt.gov/bills/mca/const/II/8.htm>). Section 9. Right to know. No person shall be deprived of the right to examine documents or to observe the deliberations of all public bodies or agencies of state government and its subdivisions, except in cases in which the demand of individual privacy clearly exceeds the merits of public disclosure (<http://data.opi.mt.gov/bills/mca/const/II/9.htm>).

¹¹ Opinions of the Attorney General. 1998. Montana Department of Justice, Legal Services Division. 47 Op. Att'y Gen. No. 13 <http://www.doj.mt.gov/resources/opinions1998/47-013.asp> at 7. The opinions carry the weight of law, unless they are overturned by a court or the legislature changes the law or laws involved.

meeting would have a detrimental effect on the litigating position or; any judicial deliberations in an adversarial proceeding.

The agenda for a meeting, as defined in [2-3-202](#), must include an item allowing public comment on any public matter that is not on the agenda of the meeting and that is within the board's jurisdiction.¹² However, the board may not take action on any matter discussed unless specific notice of that matter is included on an agenda and public comment has been allowed on that matter. Public comment received at a meeting must be incorporated into the official minutes of the meeting, as provided in [2-3-212](#).

Code of Ethics

Montana's Code of Ethics defines and prohibits conflict between public duty and private interest ([2-2-101](#)). In short, the statute establishes that board members cannot benefit personally or financially from their position. There can be no "business" conflicts, (includes a corporation, partnership, trust, foundation, or any organization, whether or not operated for profit), financial compensation, or "gifts of substantial value," generally defined as \$50 or more or of substantial value or economic benefit that would tend improperly to influence a board member to depart from impartial discharge of duties ([2-2-102](#)). The statute does not apply to a gift that is not used and returned within three days, food and beverages consumed while participating in events related to board duties, educational materials related to board duties, or an award publicly presented in recognition of public service.

Board members may not disclose or use confidential information obtained through the board that would benefit them personally or financially ([2-2-104](#)). Rules of conduct also dictate that a public officer may not use public time, facilities, equipment, supplies, personnel, or funds for private business purposes or, to solicit support for or opposition to any political committee, the nomination or election of any person to public office, or the passage of a ballot issue. Board members may express personal political views and may use public time, facilities, equipment, supplies or funds to determine the impact of passage or failure of a ballot issue on state or local government operations ([2-2-121](#)).

Discrimination / Wrongful Discharge

Board members should also be aware of the various civil rights, discrimination and wrongful discharge laws pertaining to their involvement on the board. These statutes are detailed in the Montana Human Rights Act ([MCA Title 49](#)) and more specifically, in the Montana Governmental Code of Fair Practices ([49-3-101](#)). These laws make it unlawful to discriminate because of age, marital status, national origin, physical or mental disability, race, religion/creed, and sex (including pregnancy, maternity and sexual harassment). There are also Federal laws which prohibit discrimination.

These laws also make it unlawful to retaliate against a person for opposing unlawful discriminatory practices or for participating in a human rights proceeding. Generally, complaints must be filed within 180 days of the date of the alleged discrimination under Montana law. More information about Montana's Discrimination laws is available through the Montana Human Rights Bureau.¹³

Board members should also be familiar with Montana's Wrongful Discharge from Employment Act ([39-2-901](#)). The act provides that an employer can discharge an employee for "good cause." The

¹² Opinions of the Attorney General. 2005. Montana Department of Justice, Legal Services Division. 51 Op. Att'y Gen. No. 12 <http://www.doj.mt.gov/resources/opinions2005/51-012.pdf>.

¹³ The Montana Department of Labor and Industry is the state agency which enforces Montana's discrimination laws. The Human Rights Bureau of the Department receives and investigates complaints of discrimination. For more information, see: <http://erd.dli.mt.gov/humanright/guide.asp>.

definition of "good cause" is a reasonable job-related ground for dismissal based on a failure to satisfactorily perform job duties. The "supervisor" for board members will in many cases be the county commissioners, who must ensure board members are properly trained, supervised, evaluated and warned if not performing satisfactorily.

Many organized labor groups use the "Seven Tests of Just Cause" criteria to determine wrongful discharge circumstances.¹⁴ These seven tests are:

1. **Reasonable Rule or Work Order:** Is the rule or order reasonably related to the orderly, efficient, and safe operation of the business?
2. **Notice:** Did the employee receive adequate notice of the work rule or performance standard and the possible consequences of failure to comply?
3. **Sufficient Investigation:** Did you conduct an investigation before making a decision about taking disciplinary action?
4. **Fair Investigation:** Was your investigation fair and objective?
5. **Proof:** During your investigation, did you find proof of misconduct or of a performance discrepancy?
6. **Equal Treatment:** Have you dealt with your employees equally, without discrimination?
7. **Appropriate Discipline:** How do you decide what's appropriate?¹⁵

Nepotism

Board members should be aware of the Montana statutes that address nepotism. Nepotism is defined as the bestowal of political patronage by reason of relationship rather than of merit ([2-2-301](#)). Board members may not appoint any person who is connected by "consanguinity within the fourth degree or by affinity within the second degree" ([2-2-303](#)). Relationship by affinity is defined as "the relation which one spouse has, by virtue of the marriage, to blood relatives of the other. Therefore, a person has the same relation by affinity to a spouse's blood relatives as a spouse has to them by consanguinity and vice versa. Degrees of relationship by affinity are computed in the same manner as degrees of relationship by consanguinity ([1-1-219](#)). Agreements to appoint relatives to office are unlawful and considered a misdemeanor with fines of \$50 to \$1,000 and imprisonment up to 6 months ([2-2-304](#)). There are exceptions depending on the county population and other specific criteria ([2-2-302](#)).

Ex Parte Consultations

Issues associated with *ex parte* consultations or communications are prompting increased discussion and scrutiny in Montana.¹⁶ *Ex parte* consultations are regarded as a private, one-sided communication between a decision maker and a party or person concerning issues before the decision maker.

¹⁴ See for example, the International Brotherhood of Teamsters, <http://edu.teamster.org/seven.htm>.

¹⁵ Koven, Adolph M., Susan L. Smith, Kenneth May. 2006. *Just Cause: The Seven Tests* (3rd Ed.). Washington DC: BNA Books.

¹⁶ While *Ex parte* consultations are described in the Montana Administrative Procedures Act (MAPA) prohibiting agencies that make quasi-judicial decisions from receiving or engaging in *ex parte* consultations "except upon notice and opportunity for all parties to participate" ([2-4-613](#)), the MAPA does not apply to "units of local government" ([2-4-102\(2\)\(b\)](#)). More legal clarification pertaining to local governments and boards is likely forthcoming.

Board members should not participate in private discussions and should decline receipt of information or evidence and instead request the information be presented personally or through a representative at a designated public hearing so that it can be part of the public record. If the individual cannot appear at a hearing or does not submit their view in writing as advised, board members should disclose the communication on the record by summarizing the private discussion and identifying from whom it was received and providing copies of any written text or other evidence of the communication for the public record.

Board and Board Member Liability

Board members acting in good faith cannot be held responsible if they act within the law and within established rules even if the law or rules are later determined to be unlawful ([2-9-103](#)). The state and other governmental entities (such as boards) are immune from being sued for exemplary or punitive damages ([2-9-105](#)). A board is not liable in tort action for more than \$750,000 a claim or \$1.5 million for each occurrence. Insurance policies are also not liable beyond this dollar limit unless the policy specifically provides coverage beyond this amount ([2-9-108](#)).

A board or board member cannot be sued when carrying out a law, rule or policy created by a legislative body. In addition, the board is not liable for the lack or omission of a law or policy. This immunity does not include any tort committed by the use of a motor vehicle, aircraft, or other means of transportation. This immunity also does not include either personal or property damage caused by contamination to surface or ground water ([2-9-111](#)). Since all county officers and employees must be bonded, board members must have either an individual or blanket bond for the faithful performance of their duties. The bond should be provided by the county ([2-9-701](#), [2-9-703](#)).

3. HOW TO CONDUCT A BOARD MEETING

Many boards rely on parliamentary procedure and Robert's Rules of Order to structure meetings and provide uniformity regarding interaction with the public. This section contains information on parliamentary procedure, Roberts Rules of Order, and the use of motions.

Parliamentary Procedure

Parliamentary procedure is a method used to assist deliberative democratic assemblies in conducting meetings by using explicit rules and relying on transparency and consistency. These rules allow participants in a meeting the chance to be heard while maintaining order. Parliamentary procedure provides an important tool to ensure that decisions are reached in an orderly, equitable and deliberative manner. The general principles of parliamentary procedure are based on the will of the majority, the right of the minority to be heard, protection of the rights of absentees, courtesy and justice for all, and consideration of one subject at a time. Robert's Rules of Order provide a common language that incorporates these principles to conduct a meeting.

Robert's Rules of Order

Robert's Rules of Order originated from U.S. Army General Henry M. Robert in 1876 to assist deliberative democratic assemblies in conducting meetings. While procedures used by the U.S. legislative bodies in this period loosely followed English Parliamentary Law, the various legislative bodies revised and interpreted these procedures inconsistently often causing confusion. Robert's interest in creating these rules came from frustration while attempting to serve on a church board. He felt he lacked knowledge on proper procedures and found little published information on the subject and subsequently published the *Pocket Manual of Rules of Order for Deliberative Assemblies*.

Robert's Rules of Order have subsequently been revised and updated.¹⁷ The current edition of the series is *Robert's Rules of Order Newly Revised* (often referred to using the initials RONR) and supersedes all previous editions to become the parliamentary authority in organizations whose bylaws prescribe "Robert's Rules of Order," "Robert's Rules of Order Revised," "Robert's Rules of Order Newly Revised," or "the current edition of" any of these titles, without specifying a particular edition. Robert's Rules is the most widely used parliamentary authority in the United States.¹⁸

All of the recommended procedures in Robert's Rules of Order can be modified to fit the specific needs of any organization. Typically, organizations using Robert's Rules follow the prescribed order of business during meetings to provide a framework for conducting orderly meetings. The following is a typical order of business:

1. The president or meeting facilitator calls the meeting to order.
2. A roll is called of all present members.
3. The secretary reads the minutes of the last meeting.
4. Each officer gives a report.
5. Each committee representative gives a report.

¹⁷ See Robert's Rules of Order, <http://www.robertsrules.com>

¹⁸ National Association of Parliamentarians is an association of approximately 4,000 members which provides education and accreditation certifications for parliamentarians; <http://parliamentarians.org/procedure.php>.

6. Special orders (by way of motions) are called for and consist of any important business that was previously set aside to discuss at the meeting.
7. Unfinished business from a previous meeting is discussed.
8. New business can be brought forth at this time.
9. Announcements are made.
10. The meeting is adjourned.

The method in which special orders are presented and new business is introduced is through the use of motions.

How to Use Motions

Four basic types of motions (main, privileged, subsidiary, and incidental) are used within a meeting to introduce topics or ask the membership to take action on an issue. These different types of motions allow participants the opportunity at various occasions during the meeting to make motions, second motions, debate motions and vote on motions.

A main motion serves to announce items to be taken under consideration by the meeting attendees. Main motions are secondary to privileged, subsidiary and incidental motions and not allowed if another motion is already being discussed. Subsidiary motions are used to change the method of handling a main motion and must be voted on prior to voting on the main motion. Privileged motions allow subjects that are urgent to be discussed even when they do not relate to the business currently at hand. Incidental motions are used by members who wish to question how another motion is being processed. Incidental motions then take precedent before the original motion can continue.

Presenting a Motion

When a member would like to present a motion they must first obtain the floor by waiting until the previous speaker has finished and then rising and addressing the chairperson (or president) and saying, “Mr. (or Madam) Chairman,” and then waiting to be recognized. Motions are made in a positive manner and generally begin with, “I move that we...”. After the motion is presented, another member must second the motion for the motion to move forward. The chairperson will then restate the motion and begin by saying, “It has been moved and seconded that we...”; this statement opens up the motion for debate and turns the motion into “assembly property.”

If debate is not necessary on a motion, a vote can then take place. If debate is needed, the individual who made the motion is allowed to speak first. Other members are then given the opportunity to present their thoughts on the motion. The member who presented the motion cannot speak on the matter again unless directed by the chairperson or until everyone else has had an opportunity. A time limit per speaker is often set up prior to discussion. All discussion is directed towards the chairperson. After debating the motion, the chairperson will ask, “Are you ready to vote on the question?” A vote is then taken if no more discussion is necessary.

Procedures for Voting on a Motion

The method used to vote depends on the needs of the assembly. For example, if privacy is needed, a secret ballot may be used. More often, a simple voice vote is taken with the chairperson stating, “everyone in favor of the motion say aye, and everyone opposed to the motion say no.” A variation can be used when records need to be kept indicating how everyone has voted. For the roll call method,

each person's name is called and a vote is then verbally given. The chairperson may also choose to bypass the vote and obtain general consent. The chairperson would say, "If there is no objection..."; anyone can speak up at this point and state they do object followed by a vote.

Vocabulary used in a Board Meeting

Robert's Rules of Order and other parliamentary procedures contain specific vocabulary to be used at board meetings.

- **Point of Privilege:** This term refers to the right of the person speaking to have the floor and not be interrupted by others.
- **Parliamentary Inquiry:** Method to raise a point of order or to ask how to proceed when unsure of the proper motion.
- **Point of Information:** This term refers to the method used to ask the speaker a question.
- **Orders of the Day (Agenda):** If the meeting is not following the agenda a member may call orders of the day to remind the assembly to adhere to the agenda. If the members would like to deviate from the agenda, "suspending the rules" is necessary.
- **Point of Order:** Point of order is raised if a rule has been broken or a member is not using the proper meeting protocol to speak. A point of order needs to be raised right after the error occurs.
- **Divide the Question:** This term is used when a motion is split into two or more new separate motions.
- **Consider by Paragraph:** When considering adoption of a document, adoption of the full document can be postponed until each and every paragraph has been debated and if necessary amended.
- **Withdraw/Modify Motion:** After the question is stated; the person who made the motion may accept an amendment to the motion.
- **Commit /Refer/Recommit to Committee:** Sometimes a committee is needed to research a motion. In this case, an already established committee is assigned the question or a new committee is appointed. If a new committee is necessary, the chairperson may indicate how many members are needed and how selection of committee members should occur.
- **Extend Debate:** Calling to extend debate can be used for the question currently under debate and usually has a time limit.
- **Limit Debate:** This term is used to refer to the time limit placed upon debate and when debate should be considered closed.
- **Postpone:** If a motion or agenda item needs to be postponed, it is necessary to determine and state when it will be resumed.
- **Object to Consideration:** Objection must be stated before discussion or another motion is stated.

- **Lay on the Table:** This tool is used after a motion is closed to debate or is pending closure and can temporarily stop further consideration or action on the open motion.
- **Take from the Table:** If a motion has been previously “laid on the table,” it can be opened and considered again by stating the motion to “take from the table.”
- **Reconsider:** If a member on the prevailing side of a debate changes their view, they can state they have reconsidered.
- **Postpone Indefinitely:** Postponing a motion indefinitely stops the motion from proceeding forward just in that particular session, unless a motion to reconsider is made.
- **Informal Consideration:** This term refers to changing the debate to an informal format similar to that of a committee. To move to an informal consideration format a member moves that the assembly go into "Committee of the Whole." Voting is still done formally and is still valid while the meeting is in an informal mode.
- **Appeal Decision of the Chair:** The membership may appeal a decision made by the chair if the appeal does not relate to the violation of order of business or parliamentary rules. Appeals must also take place prior to other unrelated business.
- **Suspend the Rules:** This allows specific, stated rules with the exception of the assembly's constitution to be suspended.

Table 2 (following page) presents the common motions and corresponding language used in a board meeting. The first thirteen motions are listed by precedence.

Table 2: Common Motions Used in a Board Meeting.¹⁹

	Wording	Interrupt another speaker	Requires a second	Debatable	Amendable	Vote Required	Reconsider
Privileged Motions							
Fix time for next meeting (12)	"I move that we meet next at..."	No	Yes	No	Yes	Majority	Yes
Adjourn	"I move that we adjourn"	No	Yes	No	No	Majority	No
Take a recess (12)	"I move that we recess. . ."	No	Yes	No	Yes	Majority	No
Raise a question of privilege	"I rise to a question of privilege affecting the assembly"	Yes	No	No	No	(1)	No
Call for the orders of the day	"I call for the orders of the day"	Yes	No	No	No	(1) (15)*	No
Subsidiary Motions							
Lay on the table	"I move to lay the question on the table" or "I move that the motion be laid on the table"	No	Yes	No	No	Majority	(3)*
Previous question (to close debate)	"I move the previous question" or "I move we vote immediately on the motion"	No	Yes	No	No	2/3 of assembly	Yes
Limit-extend debate (12)	"I move the debate be limited to. . ." or "I move that the speaker's time be extended by. . ."	No	Yes	No	Yes	2/3 of assembly	Yes
Postpone to a definite time (12)	"I move that the question be postponed until. . ."	No	Yes	Yes	Yes	Majority	Yes
Refer to a committee (12)	"I move to refer the matter to the . . . committee"	No	Yes	Yes	Yes	Majority	Yes
Amendment to the main motion (12)	"I move to amend by adding/striking the words. . ."	No	Yes	(5)	Yes	Majority	Yes
Postpone indefinitely (12)	"I move that the motion be postponed indefinitely"	No	Yes	Yes (16)	No	Majority	(4)
Main Motions							
Main Motion	"I move that we..."	No	Yes	Yes	Yes	Majority	Yes
Incidental Motions (11)							
Suspension of rules	"I move to suspend the rules so that. . ."	No	Yes	No	No	(9)*	No
Request to withdraw a motion (13)	"I move that I be allowed to withdraw the motion"	*	*	No	No	Majority*	(3)
Objection to the consideration of a question (10)	"I object to the consideration of the question"	Yes	No	No	No	2/3 of assembly (17)	(3)
Point of order	"I rise to a point of order" or "Point of order!"	Yes	No	No	No	(1)*	No
Parliamentary inquiry	"I rise to a parliamentary inquiry" or "A parliamentary inquiry, please"	Yes	No	No	No	(1)	No

¹⁹ Source: Robert, H. 2000. *Robert's Rules of Order* (Newly Revised, 10th Edition) New York: Perseus Books Group; Sturgis, A. 2000. *The Standard Code of Parliamentary Procedure* (4th Edition). New York: McGraw-Hill.

	Wording	Interrupt another speaker	Requires a second	Debatable	Amendable	Vote Required	Reconsider
Appeal to the chairperson	"I appeal from the decision of the chair"	Yes	Yes	Yes*	No	(7)	Yes
Point of information	"I rise to a point of information" or "A point of information, please"	Yes	No	No	No	(1)	No
Division of assembly	"Division!" or "I call for a division"	Yes	No	No	No	(14)	No
Division of a question	"I move to divide the motion so that the question of purchasing decorations can be considered separately."	No	Yes	No	Yes	Majority	No
Renewal Motions (8)							
Reconsider* (2)	"I move to reconsider the vote on the motion relating to. . ."	No*	Yes	(5) (16)	No	Majority	No
Take from table	"I move to take from the table the motion relating to. . ."	No	Yes	No	No	Majority	No
Rescind	"I move to rescind the motion passed at the last meeting relating to. . ."	No	Yes	Yes (16)	Yes	(6)	(3)
Discharge a committee	"I move that the committee considering . . . be discharged."	No	Yes	Yes (16)*	Yes	(6)	(3)

* Refer to Robert's Rules of Order Newly Revised

(1) The chair decides. Normally no vote is taken.

(2) Only made by a member who voted on the prevailing side and is subject to times limits.

(3) Only the negative vote may be reconsidered.

(4) Only the affirmative vote may be reconsidered.

(5) Debatable when applied to a debatable motion.

(6) Majority with notice, or 2/3 without notice or majority of entire membership.

(7) Majority or tie vote sustains the chair.

(8) None of these motions (except Reconsider) are in order when business is pending.

(9) Rules of order, 2/3 vote—Standing rules, majority vote.

(10) Must be proposed before debate has begun or a subsidiary motion is stated by the chair (applied to original main motions).

(11) The Incidental Motions have no precedence (rank). They are in order when the need arises.

(12) A Main Motion if made when no business is pending.

(13) The maker of a motion may withdraw it without permission of the assembly before the motion is stated by the chair.

(14) The chair can complete a Division of the Assembly (standing vote) without permission of the assembly and any member can demand it.

(15) Upon a call by a single member, the Orders of the Day must be enforced.

(16) Has full debate. May go into the merits of the question which is the subject of the proposed action.

(17) A 2/3 vote in negative needed to prevent consideration of main motion.

4. MONTANA BOARDS, DISTRICTS, COMMISSIONS, AND COMMITTEES

Business Improvement Districts

The complete business improvement district statutes are available in Montana Code Annotated [Title 7, Chapter 12, Part 11](#).

Creation and Purpose

Business improvement districts are created by the county governing body on petition of 60% of the property owners (within the proposed district area), after the passage of a resolution of intent, public hearing and passage of a resolution of creation ([7-12-1111](#), [1112](#), [1114](#), [1115](#)). Business improvement districts promote the health, safety, prosperity, security, and general welfare of the inhabitants of the district. The members (called trustees) also aid in tourism, promotion, and marketing within the district ([7-12-1102](#)).

Membership

A board of trustees, appointed by the county commissioners, governs the district. The board must be made at least five and not more than seven property owners from within the district. Each trustee serves a four-year term ([7-12-1121](#)).

Authority

The resolution of creation details the functions to be carried out by the trustees. Trustees have the power to promote business activity and private investment and can contract with the governing body to maintain, operate, and repair parking garages, streets, alleys, malls, bridges, ramps, tunnels, landscaping, and other public facilities. The business improvement district may also beautify public areas and provide police, maintenance, and cleaning personnel for public areas ([7-12-1131](#)).

Funding

Trustees provide county commissioners with an annual operating budget and the amount of tax to be assessed. Any debts incurred by the district may be paid only out of the district funds and consequently county funds may not be used ([7-12-1133](#), [1144](#)).

Cemetery Districts

For the complete statutes detailing cemetery district boards refer to Montana Code Annotated [7-35-2101](#) through [7-35-2150](#).

Creation and Purpose

Cemetery Districts are created when a petition is presented to the county commissioners signed by not less than 20% of the citizens who are owners of land located within a proposed cemetery district and with descriptions of boundaries of the proposed district ([7-35-2101](#)).

Membership

The cemetery district must be governed and managed by a board of cemetery trustees appointed by the board of county commissioners ([7-35-2108](#)). If the minimum number of qualified persons is not

available, the county commissioners may serve on the board, but may not receive additional compensation ([7-1-203](#)).

Authority

The trustees have authority to maintain a cemetery or cemeteries within the district, hold title to property by grant, gift, devise, lease, or any other method, and perform all acts necessary or proper for the carrying out of the purposes of the district including the selling or leasing of burial lots ([7-35-2109](#)).

Funding

County commissioners may authorize a levy on the taxable value of all taxable property within the cemetery district ([7-35-2122](#)). Cemetery districts create and maintain a permanent fund. The income of this fund is used for the care, maintenance, and improvement of the cemetery or cemeteries ([7-35-2131](#)).

Community Councils

The complete statute detailing community councils can be found in Montana Code Annotated [7-3-223](#), [7-3-317](#), [7-3-417](#), and [7-3-516](#), depending on the form of government chosen.

Creation and Purpose

Community councils are established by local governments and adopted by voters and serve to advise commissioners. Councils are elected from within the voting district or authorized by ordinance ([7-3-516](#)).

Membership

Community councils must consist of at least three members to advise the commissioner from that district and the term of office of elected officials may not exceed 4 years and shall be established when the form is adopted by the voters ([7-3-223](#), [7-3-317](#), [7-3-417](#), and [7-3-516](#)).

Authority

Community councils serve in an advisory capacity only ([7-3-223](#), [7-3-317](#), [7-3-417](#), and [7-3-516](#)).

Funding

No funds are allocated to this board.

County Airport Board

The complete county airport board statutes are available in Montana Code Annotated [67-10-202](#).

Creation and Purpose

The county, after establishing an airport, may create an airport board which has jurisdiction over the improvement, equipment, maintenance, and operation of the airport ([67-10-202](#)).

Membership

Residents of the county serve as board members ([67-10-202](#)).

Authority

The board may adopt rules and establish fees or charges for the use of the airport upon the approval of the appointing power before they may take effect ([67-10-202](#)).

Funding

The airport board, upon approval from the county commissioners, may adopt rules and charge fees for the use of the airport. Any construction, improvement, equipment, maintenance, and operation expenses are paid by the county ([67-10-202](#)). County commissioners may levy a tax upon the taxable property of the county for airports and issue bonds upon voter approval ([67-10-402](#)).

County Building Commission

For the complete description of the county building commission, refer to Montana Code Annotated [7-8-2103](#).

Creation and Purpose

County commissioners may create a building commission to assist the county commissioners erect, furnish, equip, expand, improve, and maintain public buildings as may be necessary. See also Joint Fair and Civic Center Commission ([7-21-3451](#)).

Membership,

Membership is subject to General Board Statutes [7-1-201](#) through [7-1-203](#).

Authority

The commission has jurisdiction and power to insure the county buildings, and must complete an inventory covering all county tools, machinery, and equipment ([7-6-2104](#)) and ([7-6-2111](#)).

Funding

County commissioners, in the county building commission's resolution of creation, will detail the commission funding.

County Canvassers

To view the complete statute describing county canvassers, refer to Montana Code Annotated [13-15-401](#).

Creation and Purpose

Every county will have a board of county canvassers ([13-15-401](#)). County canvassers certify votes cast within the county for federal, state and local elections including president and vice-president of the United States, congressional offices, state and district offices, state legislators, district court judges, and multi-county ballot issues. The certification is given to the state board of canvassers ([13-15-501](#)).

Membership

The governing body of the county or consolidated local government is *ex officio* a member of board of county canvassers. If a commissioner cannot attend, the board of county canvassers must choose another county official to fill the vacant commissioner's place. Any political subdivisions within the

county which participated in the election may send their governing bodies to join in canvassing the votes ([13-15-401](#)).

Authority

The county canvassers shall open the returns, audit the tally books or other records of votes cast, determining the vote for each individual and for and against each ballot issue from each precinct, compile totals, and declare or certify the results ([13-15-403](#)).

Funding

No funds are available for this group.

County Park District

The complete county park district statutes are available in Montana Code Annotated [Title 7, Chapter 16, Part 24](#).

Creation and Purpose

The creation of a county park district begins with either a petition from qualified electors within the proposed district or a resolution of intent to create from the county governing body. A public hearing is held on the petition or resolution followed by an election. If a majority of people within the proposed district vote in favor, the district is created ([7-16-2411](#), [2412](#), [2413](#)). Electors within the district may choose to withdraw their land holdings from the district ([7-16-2441](#)).

Membership

Initial park commissioners are appointed by the governing body. Following the first commissioners, each new commissioner must be elected by voters within the district.

Park commissioners serve a four year term. Remaining park commissioners appoint new commissioners to fill vacancies ([7-16-2421](#)).

Authority

The county park district has all powers necessary for the acquisition, betterment, operation, maintenance, and administration of all park and recreation land within the territory of the district. Commissioners may lease or purchase property, buildings and facilities, employ personnel, and establish rules for the operation and administration of the district ([7-16-2423](#)).

Funding

The county park district commission submits an annual budget to county commissioners. County commissioners can assess a per household fee or levy a tax upon property within the district to fund the county park district commission activities. The commission may also borrow money through the issuance of bonds to lease or purchase park district land or maintain and improve park district facilities ([7-16-2431](#), [2433](#)).

County Tax Appeal Board

The complete county tax appeal board statutes are available in Montana Code Annotated [15-15-101](#) through [104](#).

Creation and Purpose

County commissioners shall appoint a tax appeal board. The purpose of the board is to hear taxpayers' appeals from property tax assessments and change any assessment or fix the assessment at some other level ([15-15-101](#)).

Membership

County commissioners will appoint a three member board. Each member must be a resident of the county and will serve a three year term ([15-15-101](#)).

Authority

The county tax appeal board will hear taxpayers' appeals from property tax assessments. The board is authorized to change any assessment or fix an assessment at another level in connection with an appeal ([15-15-101](#)). Board members may also reduce the valuation of property when the taxpayer (who is applying for the reduction in valuation) has filed the written application for reduction, is in attendance at the county tax appeal board meeting, and has been questioned about the value of their property ([15-15-102](#), [103](#)).

Funding

No monetary funds are handled by this board. Board members receive compensation of \$45 dollars a day and travel expenses only when the board meets to hear taxpayers' appeals or when they are attending meetings called by the state tax appeal board ([15-15-101](#)).

County Transportation Committee

The complete county transportation committee statutes are available in Montana Code Annotated [20-10-131](#) through [132](#).

Creation and Purpose

Each county shall establish a county transportation committee ([20-10-131](#)). The county transportation committee will establish the transportation service areas within the county for each district that operates a school bus transportation program. The committee will disregard district boundaries when creating the program. The committee will also approve, disapprove, or adjust applications for increased reimbursements for individual transportation because of isolated conditions and requests for new or adjusted school bus routes submitted by trustees ([20-10-132](#)).

Membership

The county transportation committee must have at least five members. The membership of the committee consists of:

- The county superintendent;
- Presiding officer of the board of county commissioners (or a member designated by the presiding officer);

- Except in K-12 school districts, one trustee from each high school district in the county (or a district employee designated by the trustees);
- One representative from each high school district of the county who is a trustee of an elementary district encompassed within the high school district and who has been selected at a meeting of the trustees of the elementary districts;
- Two representatives of each K-12 school district of the county, each of whom is either a trustee or a district employee designated by the trustees; and
- a representative of a district of another county when the transportation services of the district are affected by the actions of the county transportation committee, but the representative has a voice only in matters affecting transportation within the district or by the district

The county superintendent is the presiding officer ([20-10-131](#)).

Authority

The county transportation committee may conduct hearings to establish facts of transportation controversies, review requests for changes in bus routes, and determine if geographic locations make it impractical for a child to attend school in their county of residence ([20-10-132](#)).

Funding

No monetary funds are handled by this committee.

County Water and/or Sewer Districts

The complete water and/or sewer district statutes are available in Montana Code Annotated Title 7, Chapter 13, [Parts 22](#) and [23](#).

Creation and Purpose

Citizens within the county may present county commissioners with a petition to create a water and/or sewer district. Upon receipt of the petition, county commissioners must hold a public hearing on the matter. After the hearing, an election (in conjunction with the general or primary election) is held. Only those voters who own land or live in the district area are eligible to vote. If a majority of votes are cast in favor of creating the district, county commissioners enter an order into their minutes creating the district ([7-13-2203](#), [2204](#), [2205](#), [2208](#), [2212](#), [2214](#)).

The purpose of the district board is to acquire (construct, purchase, or lease), operate, and maintain water rights, waterworks, sanitary sewerworks, storm sewerworks, canals, conduits, reservoirs, lands, and rights useful or necessary to store, conserve, supply, produce, convey, or drain water or sewage for purposes beneficial to the district. Beneficial purposes include flood prevention and control, irrigation, drainage, municipal, industrial, and domestic water supplies, pollution abatement, recreation and wildlife and livestock water supply ([7-13-2218](#)).

Membership

The water and/or sewer district is governed by a board of directors elected by voters living within the district area. The election may be done in conjunction with regular or primary elections or may be conducted via mail ballot. Directors must be an owner or lessee of property within the district ([7-13-2231](#), [2233](#)).

The board of directors is composed of three members (when there are fewer than eleven qualified electors in the district) or five members (when there are eleven or more qualified electors in the district). Directors serve a four year term ([7-13-2232](#), [2234](#)).

When the district area includes a municipality, an additional director is appointed by the mayor of that municipality. When the district area includes an unincorporated territory, an additional director is appointed by county commissioners ([7-13-2232](#)).

Authority

The water and sewer district may sue and be sued, adopt a seal, make contracts, employ labor and take by grant, purchase, gift, devise, or lease and to hold, use, enjoy, and to lease or dispose of real and personal property of every kind, within or without the district, necessary to the full exercise of its powers ([7-13-2217](#)). These boards may issue bonds to finance indebtedness and levy taxes. Special levy assessments are also authorized for payment of bonds ([7-13-2221](#)).

Funding

Districts can accept funds and assistance from federal, state, and public or private sources and may issue bonds to finance indebtedness and levy taxes ([7-13-2221](#)).

Fair Commission

The complete fair commission statutes are available in Montana Code Annotated [7-21-3401](#) through [7-21-3413](#).

Creation and Purpose

The county commissioners may appoint a county fair commission ([7-21-3401](#)). The county fair commissioners have control and operation of the fair and the supervision and management of the fairgrounds. The fair commission may lease the buildings and fairgrounds and shall return to the fair fund all revenue obtained ([7-21-3406](#)).

Membership

The county commissioners may appoint a county fair commission subject to Montana Code Annotated general board statutes [7-1-201](#) through [203](#) ([7-21-3401](#)).

Authority

County fair commissioners control, manage, operate, and supervise the fairgrounds and leasing of buildings and fairgrounds. Fair commissioners are charged with holding a successful county fair. They can employ labor, award prizes, develop and sign exhibition contracts, and charge admission ([7-21-3407](#)).

Funding

County commissioners may appropriate funds out of the general fund or may levy a tax to secure, equip, maintain, and operate a county or junior fair. Funds appropriated may also be used to advertise county products and resources ([7-21-3410](#)). However, funds may not be used for horseracing, [7-21-3411](#)). A capital improvement fund may also be established by the fair commission ([7-21-3413](#)). See also Joint Fair and Civic Center Commission ([7-21-3451](#) through [7-21-3457](#)).

Multi-County Fair Districts

The complete multi-county fair district statutes are available in Montana Code Annotated [7-21-3421](#) through [7-21-3435](#).

Creation and Purpose

After creating a resolution of intent, holding a public hearing, and considering objections, county commissioners may authorize the county fair commission to join with any existing adjoining fair district or to form a fair district with an adjoining county or counties ([7-21-3421](#) through [3423](#)). Directors are granted the same powers as county fair commissioners. They will hold an annual district fair (and have the power to do everything necessary in connection with that), designate the location of the fairgrounds, and care for and have custody of all property of the district fair ([7-21-3427](#)). Additional information detailing the process of creating multicounty fair districts is available in Montana Code Annotated Title 7, Chapter 21, [Part 3422](#) through [3424](#).

Membership

Each county fair commission will appoint one member of their commission to serve on the multi-county fair district board of directors. After the district's creation, any county joining shall also appoint their fair commission members to serve on the district board of directors ([7-21-3425](#)).

Authority

The fair district board of directors shall care for and have custody of all property of the district fair, have the power to do everything necessary in connection with the holding of the annual district fair, and shall designate a place within the fair district where the fairgrounds shall be located ([7-21-3427](#)).

Funding

Based upon a prepared budget, directors apportion amounts to be raised by all counties within the district. Apportions are made in proportion to a county's assessed property. Each county may levy a tax to raise the required amount ([7-21-3429](#), [3433](#)).

Funds available to the district fair board shall be placed in a district fair fund with the county treasurer where the district fair is located. The funds will be issued as district fair board warrants and paid out in the same manner as county fair funds ([7-21-3435](#)).

Fire Service Area

The complete fire service area statutes are available in Montana Code Annotated [7-33-2401](#) through [7-33-2405](#).

Creation and Purpose

The creation of a fire service area begins when at least thirty landowners in the proposed area petition county commissioners. Fire Service Areas differ from Fire Districts that require a majority of the landowners in the proposed area petition county commissioners. Commissioners must pass a resolution of intent to establish an area and hold a public hearing before passing the resolution creating the fire service area ([7-33-2401](#)). The fire service area may provide residents of the area with fire and emergency response equipment, personnel, facilities, and maintenance. The area may also contract for services and submit a fire code and a plan for enforcement to the Montana Department of Justice ([7-33-2402](#)).

Membership

The fire district area may be governed and managed by either the county commissioners, five trustees appointed by the county commissioners, or five elected trustees ([7-33-2403](#)).

Authority

Trustees have the authority to provide adequate and standard firefighting and emergency response apparatus, equipment, personnel, housing, and facilities for the protection of the district. They will appoint and form fire companies. Trustees must prepare an annual operating budget ([7-33-2403](#)).

Funding

Fire service areas are financed through rates charged to structure owners in the district who benefit from the fire protection services offered. County commissioners establish the schedule of rates by resolution. The income of the fire service area may be used to procure equipment and buildings to house the equipment ([7-33-2404](#)).

Health Boards

The complete health board statutes are available in Montana Code Annotated [50-2-104](#) through [50-2-130](#).

Creation and Purpose

Each county must have a county health board consisting of either the county commissioners and two members who are appointed or at least five appointed members ([50-2-104](#)). The purpose of the board is to supervise destruction and removal of all sources of disease-causing filth, guard against the introduction of communicable disease, supervise sanitary inspections of public establishments, and control and dispose of sewage that is not otherwise regulated. The board must appoint a local health officer ([50-20-116](#)).

Membership

Board membership is made up of either the county commissioners and two appointed members or at least five appointed members who serve at the commissioners' pleasure. Board members serve three year terms ([50-2-104](#)).

Authority

The local health board shall adopt and enforce quarantine to prevent the spread of communicable diseases and furnish treatment for persons who have a communicable disease, abate nuisances affecting public health and safety, reimburse local health officials for necessary expenses, maintain sewage treatment systems, and adopt fees to regulate to control and disposal of sewage from private and public settings ([50-2-116](#)).

Funding

Health boards are financed by an appropriation from the general fund of the county ([50-2-109](#)).

Health Care Facilities Commission

The complete health care facilities commission statute is available in Montana Code Annotated [7-34-2202](#).

Creation and Purpose

The county commissioners may create a health care facilities commission. The health care facilities commission will manage local health care facilities. Other responsibilities will be outlined in the resolution creating the health care facilities commission ([7-34-2202](#)).

Membership

The county commissioners detail membership qualifications (subject to the general board statutes ([7-1-201](#) through [203](#)) in the resolution creating the health care facilities commission.

Authority

The health care facilities commission will manage local health care facilities. Other responsibilities will be outlined in the resolution creating the health care facilities commission.

Funding

The county commissioners detail finance options (subject to the general board statutes ([7-1-201](#) through [203](#)) in the resolution creating the health care facilities commission.

Hospital Districts

The complete hospital district statutes are available in Montana Code Annotated [7-34-2101](#) through [7-34-2164](#).

Creation and Purpose

The creation of the hospital district begins when citizens within the proposed district petition county commissioners. A public hearing is held, followed by a formal election. If a majority of citizens in the district vote in favor of creation, county commissioners are authorized to establish the hospital district ([7-34-2101](#), [2103](#), [2106](#), [2109](#), [2114](#)). Hospital districts are responsible for the acquisition, betterment, operation, maintenance, and administration of hospital facilities ([7-34-2122](#)).

Membership

Three to five trustees, elected by voters, govern and manage the hospital district. The number of trustees is determined in the hospital district bylaws. Trustees serve a three year terms ([7-34-2115](#), [2118](#)). Remaining trustees appoint new trustees to fill vacancies on the board. An appointed trustee will serve out the remaining term before the next trustee election ([7-34-2121](#)).

Authority

The hospital district may acquire property, adopt rules for the administration and operation of hospital facilities, collect charges for all services and facilities provided and made available by it, and may obtain insurance ([7-34-2122](#)).

Funding

Hospital districts may issue notes and bonds to finance acquisition, furnishing, equipping, improving, extending, and bettering the hospital facilities. Bonds can provide working capital for a new hospital while notes can supply working capital for the district ([7-34-2131](#)).

Housing Authority

The complete housing authority statutes are available in Montana Code Annotated [7-15-2101](#) through [7-15-2124](#).

Creation and Purpose

Housing authorities provide decent, safe, sanitary dwelling accommodations to rural residents of low income. Housing authority members manage and operate rural housing projects in an efficient manner at the lowest possible cost (consistent with their charge) and without profit. The housing projects may include purchase, leasing, renting or selling of housing to low income rural residents ([7-15-2113](#), [2121](#), and [2122](#)).

County residents petition county commissioners for the need of a housing authority. After holding a public hearing, commissioners may adopt a resolution finding the existence of unsanitary or unsafe dwelling accommodations. County commissioners then appoint commissioners to act as a housing authority ([7-15-2102](#), [2105](#)).

Membership

County commissioners appoint five commissioners to act as a housing authority. The presiding officer is designated by county commissioners. Housing authority commissioners serve five year terms and serve until a qualified successor is appointed ([7-15-2105](#), [4431](#), [4432](#)).

Authority

Housing authorities created for counties are empowered and authorized to borrow money, accept grants, and exercise other powers to provide low-income housing for rural residents. Authorities may enter into leases or purchase agreements, and rent or sell dwellings ([7-15-2121](#) and [2122](#)).

Funding

Housing authorities may borrow money and accept grants to provide housing ([7-15-2121](#)).

Joint Fair and Civic Center Commission

The complete joint fair and civic center commission statutes are available in Montana Code Annotated [7-21-3451](#) through [7-21-3457](#).

Creation and Purpose

The commission manages and operates the fairgrounds and civic centers within the county ([7-21-3451](#)). Upon application from the county fair commission and the county building commission, county commissioners may, by resolution, create a joint fair and civic center commission.

Membership

All members of the county fair commission and the county building commission constitute the board of the joint fair and civic center commission. Joint commission members' terms are the same length as the terms which they serve on the fair or county building commission ([7-21-3452](#), [3453](#)).

Authority

Joint fair and county building commissions have the same duties and responsibilities as if they were independent building and fair commissions. Commissioners are responsible for the management and operation of fairgrounds and civic centers within the county ([7-21-3454](#)).

Funding

Joint fair and building commissioners prepare a budget based upon expected revenues and costs of management and operation. The budget is presented to the county commissioners; amounts to be raised by the county are approved or amendments are made ([7-21-3455](#), [3456](#)).

Land Advisory Board

The complete land advisory board statutes are available in Montana Code Annotated [7-8-2701](#) through [7-8-2709](#).

Creation and Purpose

Each county must have a land advisory board ([7-8-2703](#)). The board serves to advise, upon request, county commissioners about the direction, control, care, management, appraisal, lease, sale, exchange, and disposition of land. The board may cooperate with county commissioners in establishing grazing districts. Members advise upon grazing district and agricultural lease fees, terms, and conditions ([7-8-2708](#), [2709](#)).

Membership

Five members are appointed by the district court judged to serve on the land board. Each member will serve six year terms ([7-8-2704](#), [2705](#)).

Authority

This serves to advise, upon request, county commissioners about the direction, control, care, management, appraisal, lease, sale, exchange, and disposition of land ([7-8-2708](#), [2709](#)).

Funding

The board may act in an advisory capacity in fixing the fees, terms, and conditions of grazing and agricultural leases ([7-8-2709](#)). The members shall serve without pay ([7-8-2706](#)).

Library Board

The complete library board statutes are available in Montana Code Annotated [22-1-301](#) through [22-1-331](#).

Creation and Purpose

Upon creation of a county public library, the chairman of the county commissioners will appoint a library board of trustees ([22-1-308](#)). Library trustees have exclusive control of the operation and care

of the library, of the spending of public library funds, and of the construction or lease of library buildings. The board is responsible for employing and compensating all library staff. Trustees hire a chief librarian, who serves at the pleasure of the board ([22-1-309](#)).

Membership

Five appointed trustees serve five year terms on the library board. Trustees may only serve two consecutive terms. Only one member of the governing body may be on the board. The chairman of the county commission appoints new trustees to fill vacancies. These appointed trustees serve out the remaining term of the trustee they replaced ([22-1-308](#)).

Authority

Trustees of every public library shall adopt bylaws and rules, establish and locate a central public library, have the power to acquire real and personal property, and to exercise such other powers, not inconsistent with law, necessary for the effective use and management of the library ([22-1-309](#)).

Funding

The governing body that has established the public library may levy a tax to maintain public library services. Tax proceeds will be called the library fund. Under certain circumstances, the governing body may issue bonds ([22-1-304](#)). The governing body may also establish a library depreciation reserve fund. The fund replaces and acquires property, capital improvements, and equipment necessary for maintaining library services. Library depreciation reserve funds are moneys allocated to the library and not used by the year's end ([22-1-305](#), [306](#)).

Livestock Protective Committee

The complete livestock protective committee statutes are available in Montana Code Annotated [81-6-101](#) through [81-6-108](#).

Creation and Purpose

A majority of cattle owners petition the county commissioners to form a cattle protective committee. Upon receipt of the petition commissioners establish the committee ([81-6-101](#)). Members serve to advise, assist, and cooperate with other public officials who have duties pertaining to the cattle industry. These duties may include but are not limited to brand inspection, prevention of livestock rustling, enforcement of laws governing movement and sale of livestock, and treatment and prevention of livestock diseases ([81-6-103](#)).

Membership

County commissioners appoint three members to serve on the committee. Members must be residents of the county engaged in the business of raising cattle. They serve two year terms on the committee ([81-6-101](#)).

Authority

The livestock protective committee serves to advise county commissioners ([81-6-101](#)). Committee members may recommend to county commissioners the appointment of a special livestock deputy to assist the Montana Department of Livestock and the sheriff in their livestock-related duties ([81-6-105](#)).

Funding

Committee members may recommend to the county commissioners that a fee be imposed upon all cattle nine months or older in the county. The collected money will be deposited and known as the livestock special deputy fund ([81-6-104](#)).

Cattle Protective District

The complete cattle protective committee statutes are available in Montana Code Annotated [81-6-201](#).

Creation and Purpose

A majority of cattle owners within the proposed district area must petition county commissioners for the establishment of a cattle protective district. Upon receipt of the petition, county commissioners may authorize the creation of the district ([81-6-206](#)).

Members serve to advise, assist and cooperate with other public officials who have duties pertaining to the cattle industry. These duties may include but are not limited to brand inspection, prevention of livestock rustling, enforcement of laws governing movement and sale of livestock, and treatment and prevention of livestock diseases ([81-6-208](#), [103](#)).

Membership

County commissioners appoint three members to serve on the committee. Members must be residents of the county engaged in the business of raising cattle. They serve two year terms on the committee ([81-6-207](#), [101](#)).

Authority

The livestock protective committee serves to advise county commissioners ([81-6-208](#), [103](#)).

Committee members may recommend to county commissioners the appointment of a special livestock deputy to assist the Montana Department of Livestock and the sheriff in their livestock-related duties ([81-6-105](#)).

Funding

Committee members may recommend to the county commissioners that a fee be imposed upon all cattle nine months or older in the county. The collected money will be deposited and known as the livestock special deputy fund ([81-6-209](#)).

Sheep Protective Committee

Sheep protective committees or sheep and cattle protective committees may be formed when a majority of sheep growers in the county petition county commissioners. Upon receipt of the petition, county commissioners may establish the committee. For complete details, see livestock protective committees in Montana Code Annotated [81-6-101](#).

Local Improvement District

The complete local improvement district statutes are available in Montana Code Annotated [Title 7, Chapter 14, Part 27](#).

Creation and Purpose

The board of county commissioners may order the creation of a local improvement district following the receipt of a petition signed by landowners, a resolution of public interest, a meeting between the county road superintendent, residents, and landowners (within the proposed district), the election of a governing committee and the preparation of plans, estimated costs, and a report. The total cost of the project must not exceed 135% of the taxable value of the property ([7-14-2702](#), [2704](#), [2705](#), [2707](#), [2709](#), [2710](#)). Local improvement districts are created to open, construct, and improve county roads.

Membership

A committee of supervisors governs the district. The committee members must be landowners within the district, benefit by the improvements made, and at least one of the members must have petitioned to create the district ([7-14-2707](#)).

Authority

The committee of supervisors and the road superintendent investigate the road petitioned for, determine if damages to property will occur, and obtain release for damages (during road construction). The supervisors advertise and award work contracts ([7-14-2702](#), [2708](#), [2715](#), [2716](#)).

Funding

The board may levy and cause to be collected an assessment upon all parcels of land specifically benefited by the laying out, opening, construction, or improvement, for paying the costs thereof. Assessments may be paid immediately or through local district improvement bonds or coupons ([7-14-2731](#), [2732](#)). The county may not pay more than 65% of the costs ([7-14-2733](#)).

Local Port Authority

The complete local port authority statutes are available in Montana Code Annotated [7-14-1101](#) through [1137](#).

Creation and Purpose

The board of county commissioners may establish a local port authority by resolution ([7-14-1101](#)). The port authority shall promote, stimulate, develop, and advance the general welfare, commerce, economic development, and prosperity of its jurisdiction, endeavor to increase the volume of commerce, support the growth of all kinds of economic activity, and provide maximum opportunities for employment and improvement in the standard of living of its citizens ([7-14-1104](#)).

Membership

At least five commissioners govern the local port authority. In the creating resolution, the county commissioners will specify if the port authority commissioners are elected or appointed by the governing body. Commissioners serve five years terms ([7-14-1101](#)).

Authority

The port authority may sue and be sued, acquire real or personal property, establish comprehensive port zoning regulations, and provide financial and other support to organizations in its jurisdiction whose purpose is to promote, stimulate, develop, and advance the general welfare and economic development of its jurisdiction ([7-14-1101](#)).

Funding

Local port authority commissioners may submit the amount of tax to be levied by municipalities participating, issue bonds, and charge fees for the use of services ([7-14-1111](#), [1125](#), [1133](#)).

Local Water Quality District

The complete local water quality district statutes are available in Montana Code Annotated [7-13-4501](#) through [4536](#).

Creation and Purpose

The creation a local water quality district begins when the county commissioners hold a public meeting concerning the creation of the district. Next, commissioners pass a resolution of intention. The resolution is passed to any city or town's government located within the district, followed by a public hearing and referendum. If voters approve the referendum, county commissioners may pass a resolution creating a local water quality district ([7-13-4504](#), [4506](#), [4510](#), [4512](#), [4513](#)).

The board of directors develop and implement a local water quality program (approved by the county commissioners) to protect, preserve, and improve the quality of surface and ground water within the district. The program is submitted to the board of environmental review. Directors also employ personnel, administer the budget and any ordinances passed by commissioners or cities and towns pertaining surface and ground water, and to and purchase, rent, or lease equipment necessary to implement the program ([7-13-4517](#)).

Membership

The district is governed by a board of directors of at least five members; each serving three year terms. County commissioners appoint:

- One county commissioner or member of the governing body of a city-county consolidated government;
- One member from the governing body of each incorporated city or town that is included in the district;
- One member of the county or city-county board of health; and
- One conservation district supervisor (if the district includes a substantial amount of land that is within the conservation district, too).

Remaining board members are persons whose residences or businesses are distributed equally throughout the district if a county is the only unit of local government participating in the district (by mutual agreement if more than one unit of local government is located within the district) ([7-13-4516](#)).

Authority

The local water quality district may implement a local water quality program, administer the budget of the local water quality district, employ personnel, administer local ordinances that are adopted by the commissioners and governing bodies, apply for and receive monies from the federal or state government ([7-13-4517](#)).

Funding

County commissioners will determine fee rates according to a classification system. The classification system is based upon the volume and type of waste produced and the volume of water withdrawn at each fee-assessed unit. Water used for irrigation and livestock use and related discharge cannot be assessed fees ([7-13-4523](#)).

Metropolitan Sanitary and/or Storm Sewer Districts

The complete sanitary and/or storm sewer district statutes are available in Montana Code Annotated [7-13-101](#) through [156](#).

Creation and Purpose

County commissioners must first pass a resolution of intent to create such district. The resolution is transmitted to the city or town council of any city or town within the proposed district for concurrence. Following a public hearing, commissioners may pass a resolution creating the metropolitan sanitary and/or storm sewer district ([7-13-101](#), [102](#), [104](#), [106](#), [107](#), [111](#)).

The district is responsible for the proper function and maintenance of all drainage structures and sewage treating plants and all publicly owned streets, alleys, land, parks, or other thoroughfares during construction or maintenance of the structures under district control ([7-13-112](#)).

Membership

The county commissioners will be the *ex officio* commissioners of the metropolitan sanitary and/or sewer district ([7-13-112](#)).

Authority

The county commissioners will have exclusive jurisdiction over any drainage structures and sewage treatment plants within the district ([7-13-112](#)).

Funding

The commissioners may levy a tax against all property within the district. Government-owned land is exempt from such taxes or other assessments and all costs assessed against it will be paid out of the county's general fund. Commissioners may also establish rates for services and benefits provided by the district to pay for operation and maintenance fees (the money raised by these rates is called the operating and maintenance fund). Commissioners may also apply for federal grants and may borrow from the federal government ([7-13-121](#), [122](#), [124](#), [141](#), [142](#)).

Commissioners may issue metropolitan sanitary and/or sewer district bonds to finance major improvements within the district. To ensure prompt payment of the bonds, a reserve fund is established. Commissioners may transfer money from the operating and maintenance fund to the reserve fund ([7-13-151](#), [152](#)).

Mosquito Control Board

The complete mosquito control board statutes are available in Montana Code Annotated [7-22-2401](#) through [7-22-2448](#).

Creation and Purpose

Mosquito control boards may be created in two ways. County commissioners may create a resolution of intent to establish a mosquito control district or citizens may petition the commissioners. Upon creation of a resolution or receipt of a petition, county commissioners hold a public hearing and may then formally create the district ([7-22-2402](#), [2203](#), [2208](#)).

The mosquito control board develops and administers a program to reduce or eliminate mosquito pest conditions ([7-22-2415](#)).

Membership

County commissioners appoint a mosquito control board according to the general board statutes [7-1-201](#) through [203](#) ([7-22-2411](#)).

Authority

The board may employ personnel and purchase, rent, or lease equipment and materials to carry out their program. The board may also take action as may be necessary to survey, control, modify, or abate any condition related to the existence of the mosquito pest ([7-22-2415](#)).

Funding

County commissioners may levy a tax or collect an annual fee from structure owners within the district to fund the district's operation. The money collected will be known as the mosquito control fund ([7-22-2431](#) and [7-22-2432](#)).

Museums and Facilities for the Arts Boards

The complete museum and facilities for the arts board statutes are available in Montana Code Annotated [7-16-2201](#) through [7-16-2205](#).

Creation and Purpose

Upon establishment or acquisition of a museum or other facility for the arts, county commissioners may appoint a board of trustees. The trustees may establish or acquire museums, collections of exhibits, and articles, matters, and things to be included in or added to the museums and collections ([7-16-2202](#)).

Membership

Upon establishment or acquisition of a museum or other facility for the arts, county commissioners may appoint a board of trustees according to the general board statutes [7-1-201](#) through [203](#) ([7-16-2202](#), [2203](#)).

Authority

The board of trustees administers the county museum fund ([7-16-2203](#)).

Funding

County commissioners may appropriate funds for the operation and maintenance of the museum, facility or collection. Commissioners may also appropriate funds or levy a tax to support a grant program. Levy proceeds must be kept in a special fund and used at the discretion of county commissioners ([7-16-2203](#)).

Open Space Commission

The complete open space commission statutes are available in Montana Code Annotated [76-6-101](#) through [76-6-109](#).

Creation and Purpose

Any governing body (state, county, cities, towns, other municipalities) may establish by resolution a board or commission to exercise its powers under this chapter ([Title 76, Chapter 6](#)).

The open space commission shall provide adequate remedies for the protection of the environmental life support system from degradation and provide adequate remedies to prevent unreasonable depletion and degradation of natural resources ([76-6-102](#)). The open space commission works for the preservation of native plants or animals, biotic communities, or geological or geographical formations of scientific, aesthetic, or educational interest. The commission will also provide for the preservation of open-space land and encourage private participation in such programs ([76-6-103](#)).

Membership

Within the resolution creating the board or commission, the governing body will determine the size and membership.

Authority

The open space commission may acquire or designate any real property, including land and water, that will provide a means for the preservation or provision of significant open-space land or the preservation of native plants or animals, biotic communities, or geological or geographical formations of scientific, aesthetic, or educational interest ([76-6-106](#)).

Funding

The open space commission has the power to borrow funds, advance or accept advances of public funds, use grants and other federal assistance to preserve open space concurrent with the purposes of this chapter ([76-6-103](#)).

Park Commission

The complete park commission statutes are available in Montana Code Annotated [7-16-2301](#) through [7-16-2332](#).

Creation and Purpose

County commissioners may, by resolution, create a board of park commissioners ([7-16-2301](#)). The county park board governs the use of park land and facilities ([7-16-2322](#)).

Membership

The number of members, terms, and special qualifications of members will be determined by the county commissioners in the resolution creating the park commission ([7-16-2301](#)).

Authority

The county park board makes rules to govern the use of park land and facilities. The board also employs a park superintendent to manage park lands. A county park warden may be employed by the board to enforce the rules ([7-16-2322](#)). The park commission may lease lands owned by the county ([7-16-2323](#)). The board may make all contracts necessary or convenient for carrying out any and all of the powers ([7-16-2325](#)).

Funding

The county park board is only authorized to spend money existing in the county park fund. This fund is comprised of revenue from sale of hay, trees, plants, or the leasing of facilities and lands. Park commissioners may accept federal grants and loans ([7-16-2328](#), [2329](#), [2332](#)).

Planning Board

The complete planning board statutes are available in Montana Code Annotated [Title 76, Chapter 1](#).

Creation and Purpose

The governing body of any county may establish a planning board to promote the orderly development of its governmental units and its environs ([76-1-101](#)). The purpose is to encourage local units of government to improve the present health, safety, convenience, and welfare of their citizens and to plan for the future development of their communities to the end that highway systems be carefully planned; that new community centers grow only with adequate highway, utility, health, educational, and recreational facilities; that the needs of agriculture, industry, and business be recognized in future growth; that residential areas provide healthy surroundings for family life; and that the growth of the community be commensurate with and promotive of the efficient and economical use of public funds ([76-1-102](#)).

Membership

County planning boards must include at least five members appointed by the county commissioners. At least one member of a county planning board existing on or formed after July 1, 1973, must be a member of the governing board of a conservation district as provided for in [Title 76, Chapter 15](#). If a city or town subsequently becomes represented on the county planning board pursuant to [76-1-111](#), additional members of the planning board representing the cities or towns must be appointed by the respective city councils ([76-1-211](#)).

Authority

The planning board serves to advise the local governing body. The board may propose policies for: subdivision plats; development of public ways, places, structures, and utilities; issuance of improvement location permits; and laying out public ways and services. Upon request of the public body, the planning board will prepare a growth policy to promote public health, safety, morals, convenience, general welfare, efficiency, and the economy ([76-1-106](#)). The county commissioners shall also require the county planning board to recommend boundaries and appropriate regulations for the various zoning districts ([76-2-204](#)).

Funding

County commissioners appropriate funds to be used by the county planning board ([76-1-402](#)).

Planning and Zoning Commission

The complete planning and zoning commission statutes are available in Montana Code Annotated [76-2-101](#) through [117](#). Title 76, Chapter 2 of the Montana Code Annotated addresses Land Resources Planning and Zoning. Within this Chapter is Part 1 describing Planning and Zoning Commissions and Part 2 describing Zoning Commissions. The fundamental difference between the Planning and Zoning Commission and the Zoning Commission involves the membership and methods of creation. For further details, please see Zoning Commission and Zoning Board of Adjustment.

Creation and Purpose

Upon receiving a petition signed by 60% of “affected freeholders,” county commissioners may create a planning and zoning district and appoint a planning and zoning commission ([76-2-101](#)). Members of the commission are charged with furthering the health, safety, and general welfare of the people of the county and may make and adopt a development pattern for the physical and economic development of the planning and zoning district ([76-2-104](#)).

Membership

The county commissioners will appoint the planning and zoning commission. The seven member commission consists of:

- Three county commissioners;
- The county surveyor;
- Two citizen members, each of whom resides in a different planning and zoning district; and
- A county official appointed by the county commissioners.

Citizen members serve two year terms ([76-2-101](#), [102](#)).

Authority

The planning and zoning commission is an advisory board. The commission develops and adopts a development pattern resolution for the physical and economic development of the planning and zoning district. The development pattern shows the commission’s recommendations for development districts. Among the details are future uses of the land or buildings (including construction and maintenance of certain buildings or industries, and open spaces as well as future building setback lines ([76-2-104](#))). The resolution is then submitted to the county commissioners for approval ([76-2-107](#)). The commission may provide building permits and collect fees from the sale of permits. The fees go into the general fund of the county ([7-2-108](#)). The resolutions adopted by this commission will not regulate grazing, horticultural, agricultural, or timbered lands ([76-2-109](#)). Appeals from this board are taken to the district court ([76-2-110](#)).

Funding

Finances necessary to pay employees and carry out the work of the planning and zoning commission are paid from a levy on taxable property within the district ([76-2-102](#)).

Railway Authority

The complete railway authority statutes are available in Montana Code Annotated [Title 7, Chapter 14, Part 16](#).

Creation and Purpose

A railway authority may be established by the county commissioners following a resolution of intent, a public hearing, and a resolution of creation ([7-14-1611](#), [1612](#), [1613](#)). Railway authorities preserve and improve abandoned rail service for agriculture, industry, or passenger traffic, or preserve abandon railroad rights-of-way for future transportation uses ([7-14-1602](#)).

Membership

A board of directors governs the railway authority. Five directors are appointed by the county commissioners. Directors serve two year terms and must live within the boundaries of the authority ([7-14-1613](#)).

Authority

Railway authorities may establish, operate, maintain, regulate, and protect railroads and railroad facilities. The authority may provide railroad services or contract for railroad operation, may grant the privilege of supplying goods along the railway and make services available ([7-14-1602](#), [1625](#), [1635](#)).

Funding

Railway authorities are funded through a mill levy (levied by county commissioners upon voter approval), bonds, fees charged for services provided, and grants ([7-14-1632](#), [1635](#), [1636](#)).

Resort Area District

The complete resort area district statutes are available in Montana Code Annotated [Title 7, Chapter 6, Part 15](#).

Creation and Purpose

County commissions establish resort area districts following the area's designation as a resort area by the Montana Department of Commerce, a petition from landowners signed by at least 10% of the registered voters within the resort area., a public hearing, and a referendum ([7-6-1501](#), [1504](#), [1508](#), [1532](#), [1533](#), [1534](#), [1536](#), [1539](#)).

Membership

Five members are elected to the resort area district board of directors by voters within the resort area district. Directors serve four year terms. Remaining directors appoint new members to fill vacant terms ([7-6-1543](#), [1546](#)).

Authority

The board shall exercise the powers of governing the resort area and carrying out the responsibilities of imposing a resort tax ([7-6-1508](#)). The resort district board may sue and be sued, acquire real and personal property, make contracts, and employ labor. The resort district area board of directors can appropriate and expend revenue from the resort tax for any activities, undertakings or administrative needs authorized by the resolution creating the resort area or adopting the resort tax ([7-6-1542](#)).

Funding

A resort tax may be imposed with the resort area following a petition from landowners to county commissioners, public hearing, and referendum. A resort tax may be imposed even if the resort area is not a resort area district. If imposed in a resort area, county commissioners allocate the uses of the tax revenue. However, if imposed in a resort area district, the board governing the district allocates the uses of tax revenue ([7-6-1504](#), [1509](#)).

Rodent Control District

The complete rodent control district statutes are available in Montana Code Annotated [7-22-2210](#) through [2226](#).

The definition of 'rodent' in the statutes includes Columbia ground squirrel, Richardson ground squirrel, Armatus ground squirrel, thirteen-striped ground squirrel, pocket gopher, field mice, and prairie dog ([7-22-2207](#)).

Creation and Purpose

Upon receipt of a petition from a majority of the landowners within the purposed district area, county commissioners will hold a public hearing discussing the purposed district. If, after the hearing, the county commissioners determine a rodent control district is necessary, they enter an order into their minutes. The order will state the name of the district, boundaries, and other pertinent information ([7-22-2211](#), [2214](#)). The rodent control board will develop and administer a program for the abatement and alleviation of rodent pest conditions within the district ([7-22-2216](#)).

Membership

The governing body will appoint a rodent control board subject to the general board statutes [7-1-201](#) through [203](#) ([7-22-2215](#)).

Authority

The board is entitled all powers necessary to administer the program including purchasing or leasing equipment, employing personnel, cooperating with other programs and accepting gifts and grants ([7-22-2216](#)).

Funding

The governing body can create a rodent control district fund. The fund finances the rodent abatement program and district administrative costs. The governing body may levy a tax on the taxable value of horticultural, grazing, forest, and railroad lands. Money raised by the tax is placed in the rodent control district fund ([7-22-2221](#), [2222](#)).

Rural Fire Districts

The complete rural fire district statutes are available in Montana Code Annotated [7-33-2101](#) through [33-2129](#).

Creation and Purpose

The petition to create a rural fire district must be signed by a majority of tax-paying landowners within the proposed area (the difference between a rural fire district and fire service area is that service areas only require 30 landowners to sign the petition). County commissioners must hold a public hearing and

may then authorize the creation of the district ([7-33-2101](#), [2103](#)). Trustees provide firefighting and emergency response apparatus, equipment, personnel, housing, and facilities for the protection of the district. Trustees also appoint and form fire companies and prepare an annual budget ([7-33-2105](#)).

Membership

County commissioners can contract with another entity to provide fire protection to the district. Alternately, commissioners can appoint five trustees to govern and manage the district ([7-33-2104](#)).

Authority

Trustees have the authority to provide firefighting and emergency response apparatus, equipment, personnel, housing, and facilities for the protection of the district ([7-33-2105](#)).

Funding

County commissioners may levy a tax upon all property within the district for the purpose of buying or maintaining fire protection facilities or for paying city, town, or private fire services for providing protection to the district ([7-33-2109](#)). A rural fire district may also issue bonds to provide funds for the cost of buying or maintaining fire protection facilities ([7-33-2109](#)).

Solid Waste Management District

The complete solid waste management district statutes are available in Montana Code Annotated [7-13-201](#) through [237](#).

Creation and Purpose

County commissioners may establish a solid waste management district following the passage of resolution of intent, the city or town council's (located within the proposed district area) passage of a resolution of concurrence, a public hearing, and a resolution of creation. If the municipal government does not concur with county commissioners, the solid waste district may still be established but the municipality is excluded from the boundaries ([7-13-203](#), [204](#), [206](#), [207](#), [208](#), [212](#)). The purpose of the district is to develop, plan, and implement a solid waste management system.

Membership

The county commissioners will appoint a board of directors for the solid waste management district according to the general board statutes ([7-1-201](#) through [203](#)) ([7-13-213](#)).

Authority

The board of directors has any and all powers granted to them in the resolution creating the solid waste management district. In addition to those powers, directors will develop, plan, and implement a solid waste management system consistent with the state's solid waste management plan. Directors also finance, design, construct, own, and operate or contract for the operation of a solid waste management system ([7-13-215](#), [75-10-112](#)).

Funding

Directors may establish fees for services provided within the district (with the approval of the county commissioners and the absence of a public protest). Any of the funds received by the district will be placed in a separate fund ([7-13-231](#), [234](#)). To finance improvement or construction projects for the solid waste management system, directors may (with the approval of county commissioners) issue revenue bonds or borrow money ([7-13-236](#)).

Television District

The complete television district statutes are available in Montana Code Annotated [7-13-2501](#) through [2542](#).

Creation and Purpose

The process of creating a television district begins with at least 51% of electors within the proposed district area petitioning county commissioners. Commissioners will hold a public hearing and after the hearing can adopt a resolution to create the television district ([7-13-2503](#), [2506](#), [2508](#)). The board of trustees of the television district ensures fair, equitable, and efficient distribution of television services within the district ([7-13-2501](#)).

Membership

The county commissioners appoint a board of trustees to govern the affairs of the district according to the general board statutes ([7-1-201](#) through [203](#)) ([7-13-2521](#)).

Authority

The board of trustees of the television district may perform any action necessary to ensure fair, equitable, and efficient distribution of television services within the district. The trustees must ensure all persons within the district are supplied via an appropriate electronic system to receive television program distribution. When petitioned by electors and approved by the county commissioners, the board of trustees may also construct and operate an FM translator. The board of trustees may not construct or operate cable TV systems ([7-13-2510](#), [2511](#), [2512](#)).

Funding

The board of trustees will prepare a budget and a list of persons living within the district who claim exemption (people who cannot or do not receive services offered by the district) under [7-13-2529](#). Based on that budget, county commissioners will levy the tax request by the trustees ([7-13-2528](#)).

Urban Transportation District

The complete urban transportation district statutes are available in Montana Code Annotated [7-14-201](#) through [246](#).

Creation and Purpose

The urban transportation district process begins with 20% of electors (living within the proposed district) petitioning county commissioners to create the district. Upon receiving the petition, a public hearing is held; followed by an election. If a majority of the votes cast during the election are in favor of district creation, the commissioners shall issue a resolution creating the district ([7-14-203](#), [207](#), [210](#), [212](#)). The board shall establish, operate, improve, maintain, and administer the transportation district to supply transportation services and facilities to district residents and other persons ([7-14-219](#)).

Membership

The urban transportation district is governed by a transportation board. The county commissioners and the governing body of the town or city included within the district will determine by resolution whether the board is elected or appointed, the number of board members, the term of office, and the procedure for filling vacancies ([7-14-212](#)).

Authority

The transportation board will have all powers to establish, operate, improve, maintain, and administer the urban transportation district. The board will hire an administrative officer for the district ([7-14-219, 220](#)).

Funding

Annually, the board will submit a budget to county commissioners with the amount of money needed for the year. County commissioners will levy a tax in mills upon property within the district to fund the district's operation ([7-14-231, 232](#)). The board may borrow money by issuing general obligation or revenue bonds ([7-14-235](#)).

Weed District

The complete weed district statutes are available in Montana Code Annotated [7-22-2101](#) through [2154](#).

Creation and Purpose

Each county will have a weed management district ([7-22-2102](#)). The weed district will develop and implement a noxious weed management program in the district ([7-22-2109](#)).

Membership

Each weed district will be governed by a district weed board. The membership of the board will be appointed by county commissioners subject to the general board statutes [7-1-201](#) through [203](#) ([7-22-2103](#)).

Authority

Management criteria for noxious weeds within the district will be developed by the board. The board may employ a coordinator and other employees to carry out the program. Chemicals, materials, and/or equipment may be purchased with money from the noxious weed fund ([7-22-2109](#)).

Funding

County commissioners will create a noxious weed management fund. Commissioners may appropriate money from the general fund or levy a tax to provide money for the fund. An additional tax may be imposed within special management zones ([7-22-2141, 2142](#)).

Zoning Commission

The complete zoning commission statute is available in Montana Code Annotated [76-2-220](#).

Creation and Purpose

The county commissioners may create a zoning commission to provide an additional method of creating or amending zoning regulations or zoning classifications ([76-2-220](#)).

Membership

The commission must be composed of at least five citizen members appointed at large from the zoning district. The county commissioners may adopt bylaws for the zoning commission pertaining to the qualifications of the members and such other matters as the commissioners consider necessary ([76-2-220](#)).

Authority

The commission is advisory and recommends amendments to zoning regulations and classifications. These recommendations are submitted to county commissioners ([76-2-220](#)).

Funding

Fund may be available at the discretion of county commissioners ([76-2-220](#)).

Zoning Board of Adjustment

The complete zoning board of adjustment statutes are available in Montana Code Annotated [76-2-221](#) through [76-2-228](#).

Creation and Purpose

If zoning districts are authorized in Title 76, Chapter 2 of the Montana Code Annotated, the county commissioners will appoint a zoning board of adjustment ([76-2-221](#)). The board of adjustment hears and decides appeals related to land resources and use ([76-2-223](#)).

Membership

Five citizens will be appointed by the county commissioners to serve on the board of adjustment. They will serve two year terms and can be removed for cause by the county commissioners after written charges and a public hearing ([76-2-222](#)).

Authority

The board adjustment has the powers:

- To hear and decide appeals where an error may have been made by an administrative official's order, requirement, or determination in the enforcement of county zoning defined in Montana Code Annotated ([Title 76, Chapter 2, Part 2](#)) or zoning resolutions adopted by the county and,
- To hear, decide, and authorize special exceptions to the terms of a zoning resolution ([76-2-223](#)).

Funding

No funds have been allocated to this board. No costs are assessed against the board, unless the board acted in bad faith, the gross negligence, or with malice ([76-2-228](#)).

References and Additional Resources

- American Institute of Parliamentarians. 1986. *ABC's of Parliamentary Procedure*. Severna Park, MD: American Institute of Parliamentarians.
- Keesey, R. 1994. *Modern Parliamentary Procedure*. Washington, DC: American Psychological Society.
- Koven, A. M., S. L. Smith, and K. May. 2006. *Just Cause: The Seven Tests* (3rd Edition). Washington DC: BNA Books.
- Robert, H. 2000. *Robert's Rules of Order* (Newly Revised, 10th Edition). New York: Perseus Books Group.
- Sturgis, A. 2000. *The Standard Code of Parliamentary Procedure* (4th Edition). New York: McGraw-Hill.
- Weaver, K. L. 2005. *Governing Montana at the Grass Roots: Local Government Structure, Process and Politics*. (2nd ed.). Bozeman, MT: Local Government Center.

Additional Information

Organizations / Associations:

Montana State University Extension

P.O. Box 172240
Bozeman, MT 59715-2240
Phone: (406) 994-3620
<http://www.extn.montana.edu>

Local Government Center

P.O. Box 172240
Bozeman, MT 59717-2240
Phone: (406) 994-6694
<http://www.montana.edu/wwwlgc>

American Institute of Parliamentarians

550M Ritchie Highway #271
Severna Park, MD 21146
Phone: (888) 664-0428
<http://www.parliamentaryprocedure.org/>

Montana Association of Counties

2715 Skyway Drive
Helena, MT 59602-1213
Phone: (406) 444-4360
<http://www.maco.cog.mt.us>

National Association of Counties

440 First Street, N.W.
Washington, DC 20001
Phone: (202) 393-6226
<http://www.naco.org>

National Association of Parliamentarians

213 South Main Street
Independence, MO 64050-3850
Phone: (816) 833-3892
<http://parliamentarians.org/>

State Agencies:

Department of Natural Resources and Conservation

1625 Eleventh Ave.
Helena, MT 59620-0701
Phone: (406) 444-2074
<http://www.dnrc.mt.gov>

Department of Revenue

125 N. Roberts, 3rd Floor
Helena, Montana 59620
Phone: (406) 444-6900
<http://www.mt.gov/revenue>

Human Rights Bureau

P.O. Box 1728
Helena, MT 59624-1728
Phone: (406) 444-2884
<http://erd.dli.mt.gov/humanright/hrhome.asp>

Department of Commerce

301 S. Park
P.O. Box 200501
Helena, MT 59620-0501
Phone: (406) 841-2700
<http://commerce.mt.gov/>

Department of Justice

P.O. Box 201401
Helena, MT 59620-1401
Phone: (406) 444-2026
<http://www.doj.mt.gov/>

Department of Livestock

PO Box 202001
Helena, MT 59620-2001
Phone: (406) 444-2043
<http://mt.gov/liv/>